

Notice of Allowability

Application No.

10/676,156

Applicant(s)

KUROSAWA, HIROSHI

Examiner

Rodney E. Fuller

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's Amendment, dated January 24, 2005.
2. ☒ The allowed claim(s) is/are 43-48.
3. ☒ The drawings filed on 02 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/858,964.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Rodney E Fuller
Primary Examiner
Art Unit: 2851

EXAMINER'S AMENDMENT

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claims 41-52 have been renumbered as 43-54.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Misnumbered claims 41-52 have been renumbered as 43-54.

Remarks

In the Office Action, mailed October 22, 2004, the examiner noted in the Claim Objections section the following:

(Paragraph 1 of Office Action mailed October 22, 2004)

The Preliminary Amendment, dated October 2, 2003, cancels claims 1-40 and adds 41-52. However, the original claims are from 1-42. Claim 41 depends from claim 1, and claim 42 depends from claim 41. Further, the applicant states that "Claims 41-52 are presented for consideration in lieu of claims 1-40." It is clear that there is a typographical error. Thus, the examiner has corrected the

Art Unit: 2851

Preliminary Amendment (page 17) to cancel claims 1-42. The pending claims have been renumbered as noted below. Claims 43-54 are pending.

Further in the Office Action, mailed October 22, 2004, the examiner indicated that "Misnumbered claims 41-52 have been renumbered as 43-54." However, the examiner indicated that the claims were to be renumbered under the Claim Objections section. Thus, the claims were not amended properly in an Examiner's Amendment. In the Amendment, dated January 24, 2005, the applicant stated: "Applicant confirms that the Examiner's renumbering is correct and apologizes for any confusion in the record."

To clarify the record, the examiner has made an Examiner's Amendment (above) to clarify that 43-52 were pending prior to Applicant's Amendment, dated January 24, 2005. Applicant's Amendment, dated January 24, 2005, canceled claims 49-54. Thus, claims 43-48 are currently pending.

Further, the claims listed in Applicant's Amendment, dated January 24, 2005, are the pending claims and correctly numbered.

Allowable Subject Matter

3. Claims 43-48 are allowed.

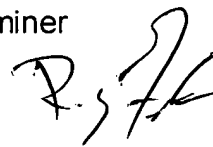
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller
Primary Examiner
Art Unit 2851



April 14, 2005